



Order Filed on July 15, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
Larry J. Kushner and
Jacqueline Kushner

Case No.: 18-33285

Hearing Date: 8/7/19 at 12:00pm

Judge: Hon. Christine M. Gravelle, U.S.B.J.

ORDER TO SHOW CAUSE FOR DISMISSAL OF CASE

The relief set forth on the following page is hereby **ORDERED**.

DATED: July 15, 2019


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor:

Case No: 18-33285

Caption of Order: Order to Show Cause For Dismissal of Case

The following order is hereby entered:

The Court held a June 25, 2019 hearing on Debtors' Chapter 13 plan. Attorney Vivian Sobers requested an informal, untimely adjournment of the hearing on the basis that she had been retained to represent Debtors in the matter, and required time to become familiar with the casefile. The Court reviewed the request, and required appearances by both Ms. Sobers and Debtors at the hearing to consider the adjournment. Both Ms. Sobers and Debtor-husband, Larry Kushner, appeared at the hearing, as did Standing Chapter 13 Trustee Albert Russo and Denise Carlon, Esq. on behalf of HSBC Bank USA, as Trustee. Based upon the representations made by both Ms. Sobers and Debtor, as well as considering the arguments of the Trustee and Ms. Carlon, the Court DENIED the confirmation of Debtors' Chapter 13, but allowed Debtors and Ms. Sobers additional time to July 10, 2019 to (1) file pro hac vice papers for Ms. Sobers admission to practice before this Court; and (2) to file a modified Chapter 13 plan. Debtors filed a pro se Motion to Convert Case to Chapter 11 on the same day as the hearing, but did not notify the Court regarding this filing, nor did Debtors' take the position that the filing of the motion would obviate the need for the retention of Ms. Sobers or the filing of a modified plan. For these reasons, the Court sua sponte issues this Order to Show Cause as to why the case should not be dismissed under 11 U.S.C. 105(a) and 11 U.S.C. 1307(c)(1), (3), and (5). It is

IT IS HEREBY ORDERED that Debtors and/or Vivian Sobers show cause before **this court on**

August 7, 2019 at 12:00pm or as soon thereafter as counsel may be heard in Courtroom #3, Second Floor of

Fisher United States Courthouse, 402 East State Street, Trenton, NJ 08608 as to why the case should not be dismissed.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Jacqueline Kushner
Larry J. Kushner
Debtors

Case No. 18-33285-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 15, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 17, 2019.
jdb/db +Jacqueline Kushner, Larry J. Kushner, 731 Greens Avenue, Long Branch, NJ 07740-4904

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 17, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 15, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Aleisha Candace Jennings on behalf of Creditor U.S. Bank National Association, successor in interest to Bank of America, National Association, successor by merger to LaSalle National Association as trustee for GSAMP Trust 2007-NC1 Mortgage Pass-Th ajennings@rasflaw.com
Brian S Pantaleo on behalf of Creditor U.S. Bank National Association, successor in interest to Bank of America, National Association, successor by merger to LaSalle National Association as trustee for GSAMP Trust 2007-NC1 Mortgage Pass-Th pantaleob@gtlaw.com
Denise E. Carlon on behalf of Creditor HSBC Bank USA, National Association, as Trustee for ACE Securities Corp. Home Equity Loan Trust, Series 2006-HE1 Asset Backed Pass- Through Certificates dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com
Harold N. Kaplan on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION hkaplan@rasnj.com, informationathnk@aol.com
Rebecca Ann Solarz on behalf of Creditor HSBC Bank USA, National Association, as Trustee for ACE Securities Corp. Home Equity Loan Trust, Series 2006-HE1 Asset Backed Pass- Through Certificates rsolarz@kmlawgroup.com
Sindi Mncina on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8